



FAIR HOUSING

Indiana Civil Rights Commission

Disclaimer



- This training is not intended as legal advice
- This training is intended as general information on fair housing
- This training is not intended as ICRC policy
- For specific concerns, please contact an attorney

Reminder

Questions answered in the Q&A section!

Goals:

1. Recognize discrimination in housing when you see it
2. Respond with impact





The Indiana Civil Rights Commission's mission is the **neutral** investigation of complaints with the goal of **eliminating discrimination** based on protected classes in protected areas through the **litigation of founded claims** of discrimination.

State Authority

Indiana Civil Rights Law

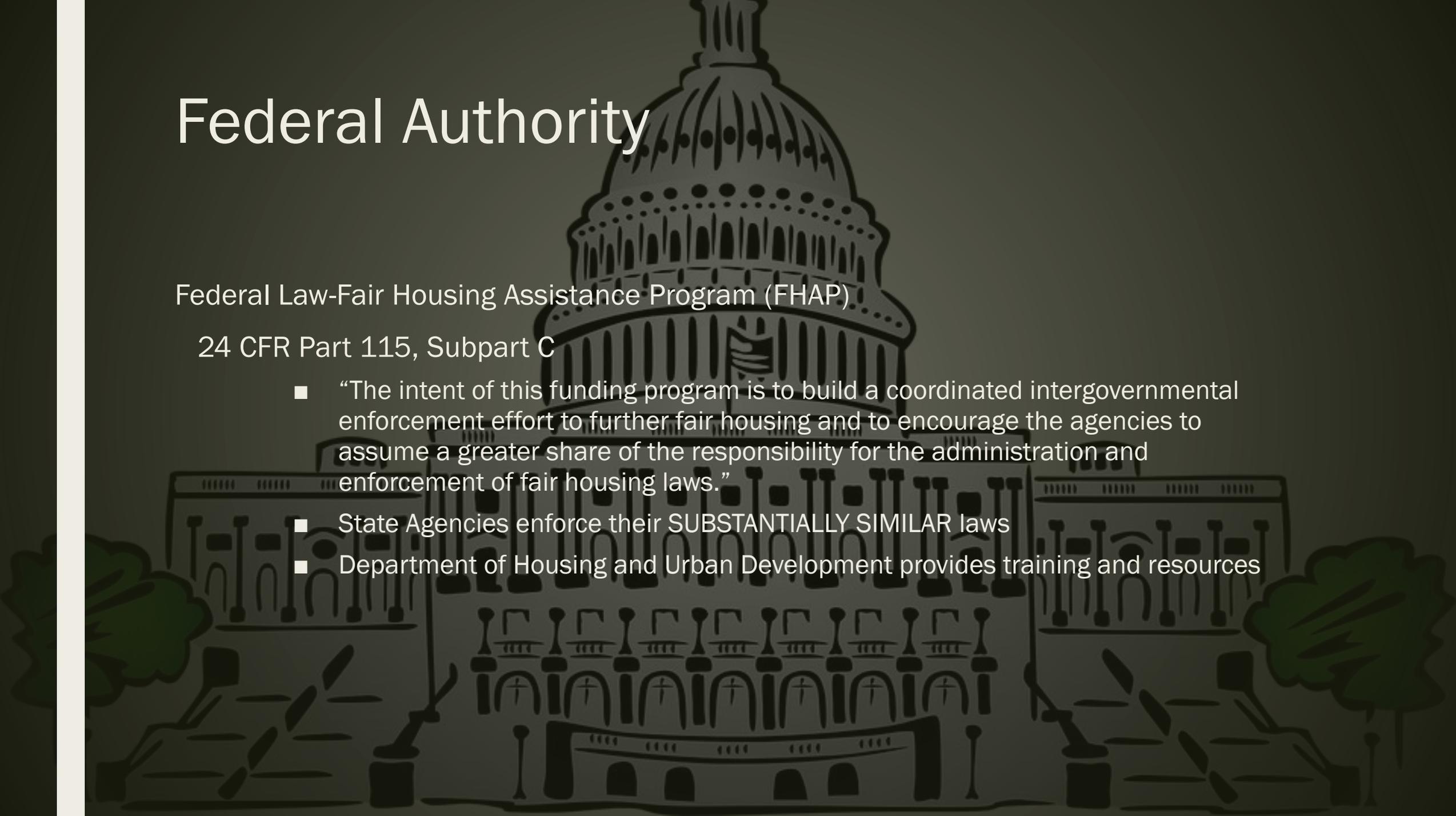
- Indiana Code 22-9-1

Indiana Fair Housing Act

- Indiana Code 22-9.5



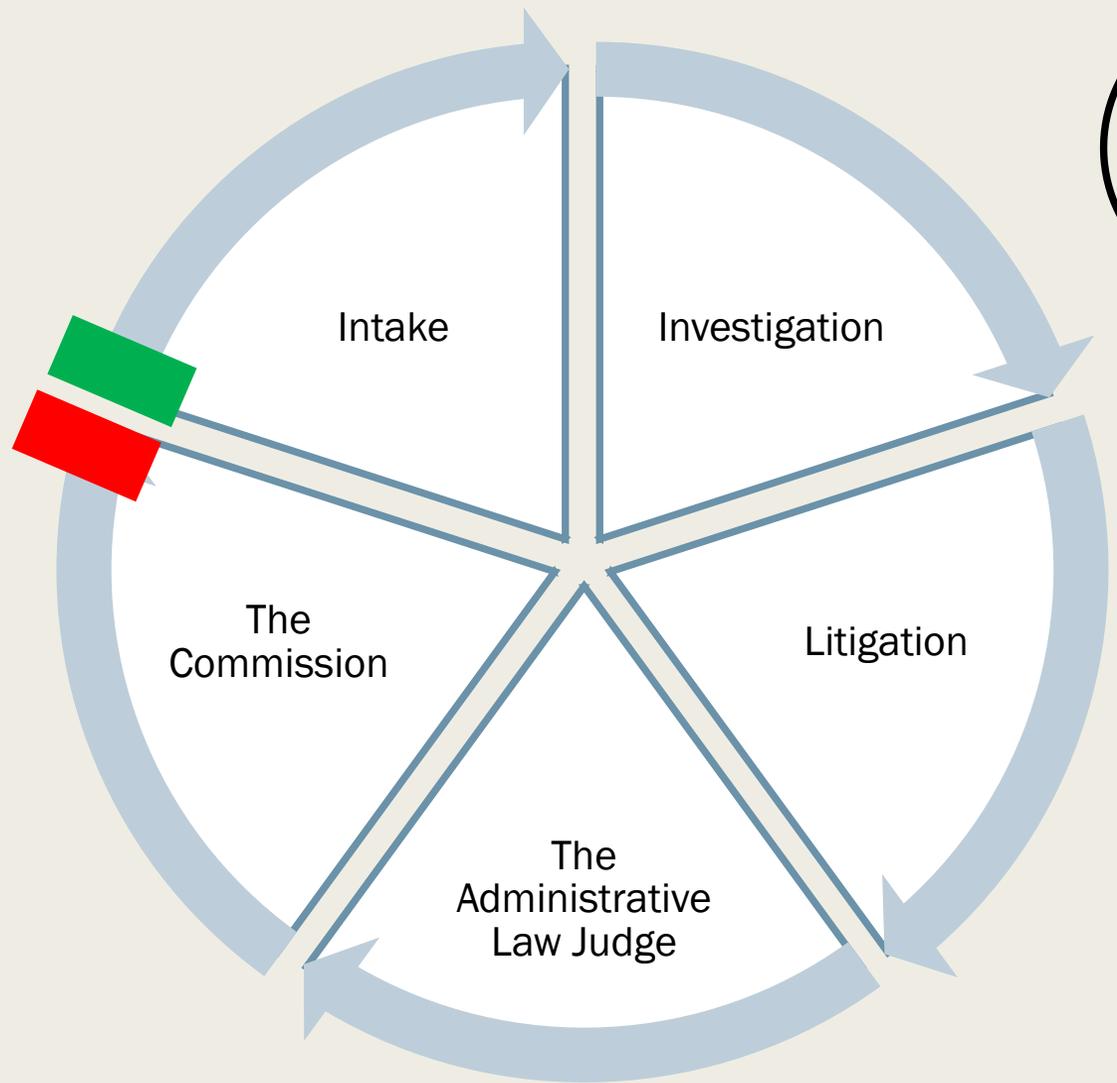
Federal Authority



Federal Law-Fair Housing Assistance Program (FHAP)

24 CFR Part 115, Subpart C

- “The intent of this funding program is to build a coordinated intergovernmental enforcement effort to further fair housing and to encourage the agencies to assume a greater share of the responsibility for the administration and enforcement of fair housing laws.”
- State Agencies enforce their **SUBSTANTIALLY SIMILAR** laws
- Department of Housing and Urban Development provides training and resources



PRE-CAUSE
Conciliation

POST-
CAUSE
Conciliation

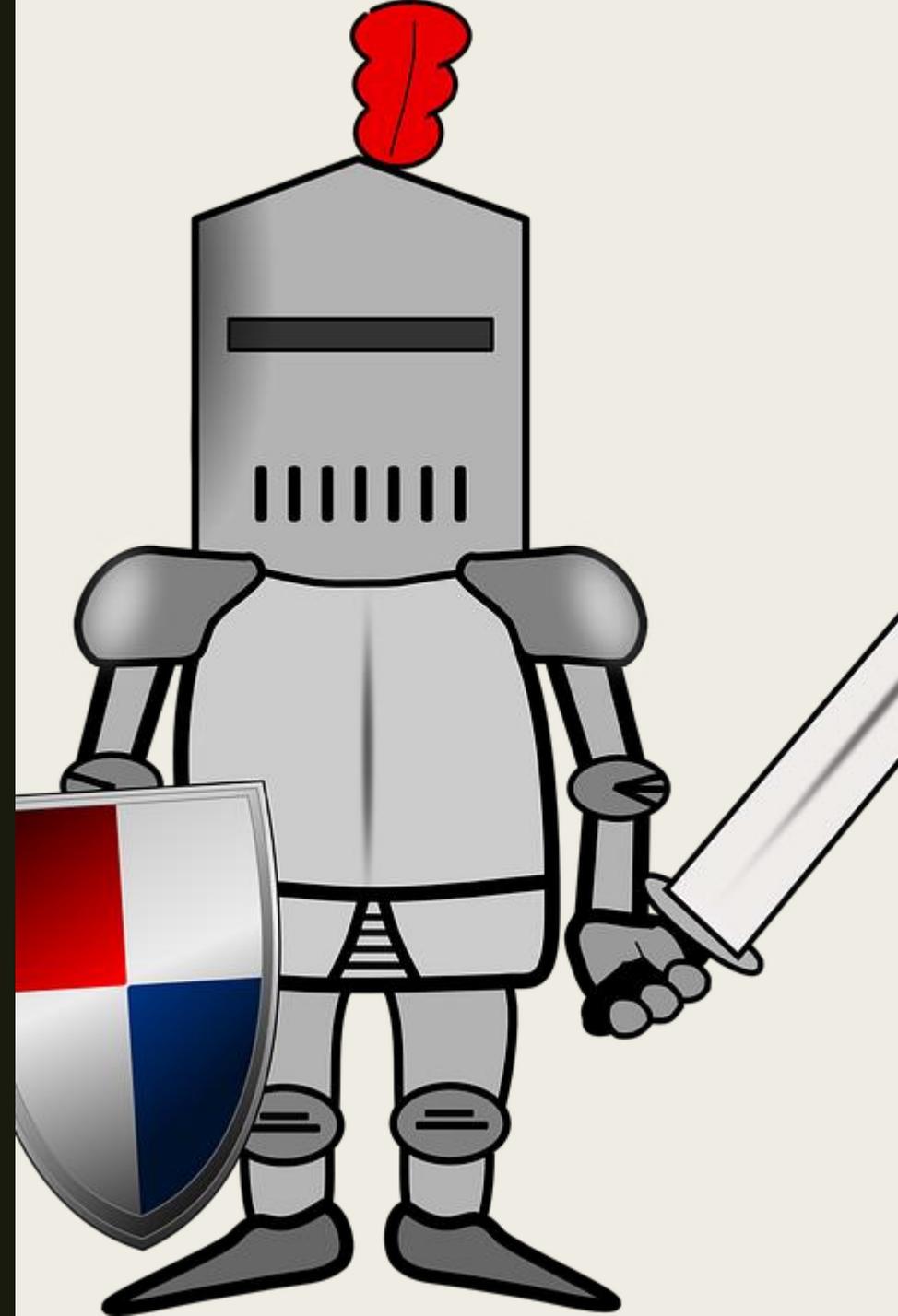
Public
Outreach &
Education

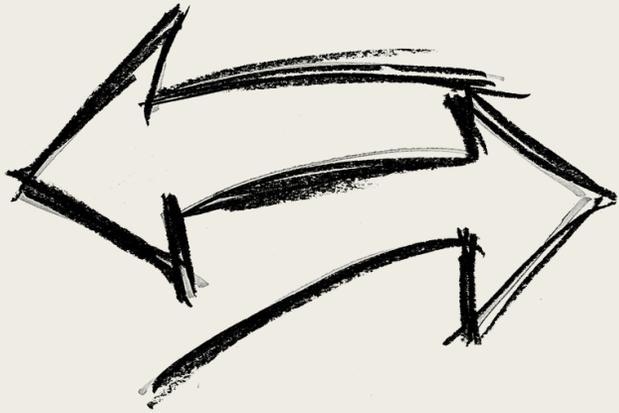
Cultural
Commissions



Protected Classes

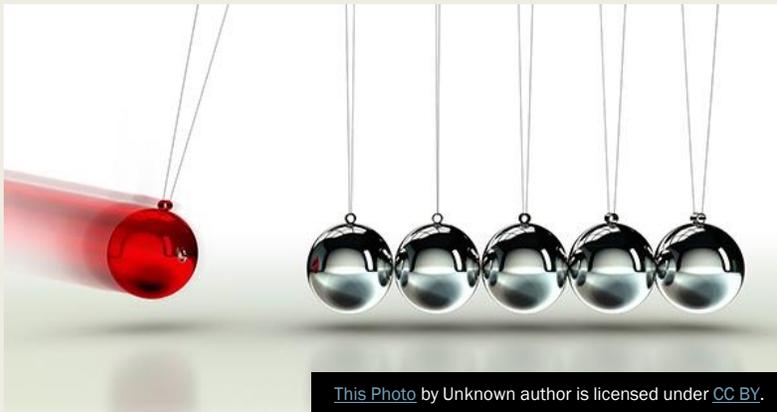
- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Ancestry
- ✓ Familial Status
- ✓ Religion
- ✓ Sex
- ✓ Disability





Types of Discrimination

- Direct Intent Discrimination: overt
- Disparate Treatment: a housing provider treats people in one protected class differently from another
- Disparate Impact: a facially neutral rule, policy, or practice that results in people from a protected class being treated differently
- No Intent: violation of legal requirement





DISCRIMINATION?

Landlord refuses to rent to
an applicant with children

Jane is an Asian-American citizen of the United States.

Jane is looking for an apartment. She calls Apartment A and asks about available apartments. She is told there are apartments available and that she can submit all paperwork electronically.

Jane is asked to provide a copy of her drivers license with her application. After submitting her complete application, she is told that no apartments are available.

However, her current roommate, who is Caucasian, applied at the same time and was told rooms were available.

Tasha is an individual with a disability related to her immune system. She makes a reasonable accommodation request that her landlord accept all of her mail, wipe it off with sanitizer, and bring it to her. She makes the same request for her landlord to process any groceries that are delivered to her in the same way.



DISCRIMINATION?

Landlord requires all people who are “high risk” to move to certain apartments

Food for thought:

- Is COVID-19 a disability as defined by the Indiana or Federal Fair Housing Act?
- If so, what does this mean for discrimination based on association with people who have a disability?
- However, housing providers are not required to permit or foster dangerous conditions.
- Likely, these will be case specific issues.

Disability: 910 IAC 2-3-2

- (A) a physical or mental impairment which substantially limits one (1) or more major life activities;
- (B) a record of such an impairment; or
- (C) being regarded as having such impairment.
- Disorder that affects a major body system: Respiratory including speech organs
- Major Life Activity: Breathing.

Housing Providers

- May enact rules that are aimed to keep tenants and staff safe
- May not base those rules on stereotypes about protected classes



FILE A COMPLAINT!

Filing a Complaint

- Call at (317) 232-2600 or file online at <https://www.in.gov/icrc/3131.htm>
- Must be signed!
- Statute of limitations:
 - *Fair Housing Act (IC 22-9.5-6-1)-One year*
 - *Indiana Civil Rights Act (IC 22-9-1-3(p)(5))- 180 Days*

Questions, Comments, Concerns?

